

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>ARTHUR T. WATSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CV-2007-520-WHA</b>
	)	
<b>ALABAMA FARMERS CO- OPERATIVE, INC., d/b/a BONNIE PLANT FARMS,</b>	)	
	)	
<b>Defendant.</b>	)	

**JOINT MOTION FOR PROTECTIVE ORDER**

COME NOW the parties in the above-styled action, and move the Court to enter a protective order designating certain information produced by the parties in this litigation as "Confidential," restricting the persons who may review certain documents that have been requested or may be requested in this action, and limiting the disclosure of the information contained therein. In support of this motion, the parties state as follows:

1. The plaintiff has now or may in the future request the defendant to produce certain categories of confidential information including personnel information of certain of defendant's current and former employees and certain of defendant's proprietary and confidential business information. These categories of information contain sensitive, personal and confidential information regarding employees and former employees of defendant that, if improperly disclosed, could result in embarrassment to or harassment of these individuals. These categories of information also include confidential business information that, if improperly disclosed, could cause unnecessary and irreparable harm to the defendant.

2. The parties have agreed that, to protect against the improper disclosure of information that the defendant does not want disclosed, such information shall be designated as "CONFIDENTIAL" by the defendant in writing at the time such information is produced.

3. Based upon the foregoing, the parties specifically request that the information and categories of information referenced above, and any and all other information which has been or may be produced in the future of a like or similar nature, be delivered and disclosed only to plaintiff and his counsel and only for their use in this action and that plaintiff and his counsel be ordered and directed to keep such information confidential and not to disclose such information or the fact that they possess such information or exhibit such information to the public, media, or to any other person, other than: (a) a person who is a member of plaintiff's counsel's office staff actively engaged with and assisting counsel in the preparation for trial and the prosecution of this action; (b) any potential witness who either previously generated or received a particular document and thus, by necessity, must review a particular document or documents in preparation for his or her testimony; and (c) experts and consultants retained by counsel who must necessarily see the information to assist counsel in connection with this litigation. The information may be disclosed only for the purposes of preparation for trial and the prosecution and defense of this action.

4. The parties further move that the Court enter an order directing that any person gaining access to said information through plaintiff or his counsel be specifically enjoined from disclosing such information to the public and to any other person and enjoined from making copies or revealing the contents of any documents containing said information for any purpose other than for preparation for trial and the prosecution and defense of this action.

5. The parties also move that the Court enter an order directing plaintiff and his counsel, at the final determination of this action, to assemble and return to the defendant all documents, copies thereof, or other records or information falling within the protective order entered by this Court upon request of the defendant.

6. A draft protective order is attached hereto for this Court's review as Exhibit A.

Respectfully submitted,

s/ Bryance Metheny  
Dent M. Morton (MOR058)  
K. Bryance Metheny (MET011)  
Attorneys for Alabama Farmers Cooperative

OF COUNSEL:

BURR & FORMAN LLP  
3400 Wachovia Tower  
420 North 20<sup>th</sup> Street  
Birmingham, AL 35203  
Tele: (205) 251-3000  
Fax: (205) 458-5100

s/ Jerry Roberson  
Jerry Roberson  
One of the Attorneys for Plaintiff

OF COUNSEL:

P.O. Box 380487  
Birmingham, AL 35238  
Fax: (205) 981-3908

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>ARTHUR T. WATSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CV-2007-520-WHA</b>
	)	
<b>ALABAMA FARMERS CO-</b>	)	
<b>OPERATIVE, INC., d/b/a</b>	)	
<b>BONNIE PLANT FARMS,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

The Court having heretofore been made aware that the parties jointly desire the entry of a Protective Order to limit in the above-styled action the disclosure of certain information and documents designated therein, and the Court being informed that there are certain sensitive and confidential documents and information at issue, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

(1) Any confidential business or personal information that defendant does not want publicly disclosed shall be designated as "CONFIDENTIAL" by defendant in writing at the time such information is produced. In the event that plaintiff disputes the appropriateness of a designation of materials as "confidential," plaintiff shall first attempt to resolve the dispute through good faith negotiation with the defendant. If the matter cannot be resolved, plaintiff may challenge it by motion to the Court.

(2) Confidential information which may be produced shall be delivered and disclosed only to plaintiff and his counsel and only for their use in this action. Plaintiff and his counsel are directed to keep such information confidential and not to disclose such information or the fact that they possess such information or exhibit such information to the public, media, or to any

other person, other than: (a) a person who is a member of plaintiff's counsel's office staff actively engaged with and assisting counsel in the preparation for trial and the prosecution of this action; (b) any potential witness who either previously generated or received a particular document and thus, by necessity, must review a particular document or documents in preparation for his or her testimony; and (c) experts and consultants retained by counsel who must necessarily see the information to assist counsel in connection with this litigation. The information may be disclosed only for the purposes of preparation for trial and the prosecution and defense of this action.

(3) A party to this lawsuit utilizing such confidential documents or material in a deposition or other proceeding in this action shall designate the portion of any transcript of the deposition or proceeding as "CONFIDENTIAL." Moreover, if the confidential document or confidential information is included in an affidavit, written statement, or response to interrogatories, or request for admission, the party including the confidential document or confidential information shall place the "CONFIDENTIAL" legend on the page on which it appears, and, if and when such document is filed with the Court, shall file the document under seal. Counsel for the parties to this lawsuit shall file under seal all confidential documents submitted to the Court and all briefs, memoranda, transcripts, or other documents submitted to the Court that make specific reference to, quote from, or otherwise substantially disclose the contents of confidential documents or confidential information. All documents that are filed under seal pursuant to this Order shall be processed and retained by the Court in accordance with its rules, and shall be available to the Court and its personnel, to the parties to this action, and to counsel for the parties to this action for viewing and/or copying.

(4) Any person gaining access to confidential information through counsel is specifically enjoined from disclosing such information to the public and to any other person and enjoined from making copies or revealing the contents of any documents containing said information for any purpose other than for preparation for trial and the prosecution and defense of this action.

(5) Plaintiff and his counsel, at the final determination of this action, shall assemble and return to the defendant all documents, copies thereof, or other records or information falling within this protective order upon request of the defendant.

ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2008.

---

United States District Judge